761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 25, 2008

OFFICE CORRESPONDENCE FILE NO. SH2208197

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY SAMUEL VALENTE #[redacted]
DEPUTY ARMANDO HERNANDEZ #[redacted]
CENTURY STATION

On November 11, 2007 at 1017 hours, Deputies Valente and Hernandez shot Suspect Jimenez after he shot at them.

Deputies Valente and Hernandez were north on Hooper Avenue approaching 59th Street, when they saw Suspect Jimenez riding a bicycle on the sidewalk. As they tried stopping him, the suspect refused to stop and went faster. The deputies turned east onto 59th Street. The suspect stopped, pushed his bicycle, striking the right front tire area. The suspect backed up, removed a revolver from his right sweatshirt pocket, and he fired at the deputies. One of his rounds struck the hood of the patrol car. Believing the suspect was going to kill them, Deputy Hernandez fired five 9mm rounds from his Beretta 92F pistol at the suspect. Deputy Valente fired two rounds from his .45-caliber H&K pistol. The suspect immediately fell.

The suspect sustained four gunshot wounds to the neck and shoulder area. Paramedics pronounced him dead at the scene.

A "Dan Wesson Arms," .357-caliber revolver containing two expended shell casings and four live rounds was recovered from the scene.

On November 20, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Samuel Valente #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Armando Hernandez #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw

TABLE OF CONTENTS
SH#2208197

Los A[illegible]eles County Sheriff's Dep[illegible]tment

Officer Involved Shooting

Report Date: 11-10-07	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 007-22188-2170-013	Date: 11-10-08 Time: 1017
City or Station: Century Station	Nature of Incident: Deputies attempt to conduct a bicycle stop. Suspect refuses and continues riding on Hooper Avenue approaching 59th Street. Deputies approach with patrol vehicle on 59th street at which point suspect jumps off bike and retrieves a handgun from his waistband. Suspect points the weapon at the deputies, at which point they shoot the suspect.
Location: 59th Street and Hooper Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) [circled], Other: ______

Lighting (*circle only one*): Darkness, (Daylight) [circled], Other, Street Lights

Weather (*circle only one*): (Clear) [circled], Cloudy, Fog, Rain

Distance: 3-5 feet 20-30 feet

Incident Type (*circle one or more*): Accidental, (Armed Person) [circled], Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, (Two Person Unit) [circled]

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) [circled]

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
2 and 5	2

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name:		M.I.
Street Address	City	Zip Code	Work Ph -----	Home Ph -----
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Vander Horck	Matthew		(On Duty) [circled], Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Parker	Brenda	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Nee	Christopher	

PSTD Use Only

SH # ______

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 007-22188-2170-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-10-07	1200	11-10-08	

Employee #	Last Name	First Name	M.I
[redacted]	Hernandez	Armando	
[redacted]	Valente	Samuel	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	ZZ	35			NN	
S1	E2	FH	ZZ	35			NN	
E1	S1	FH	BR	9	Y	Y	GS	SH
E2	S1	FH	HK	45	Y	Y	GS	CH

Officer Involved Shooting
Involved Employee Information

URN: 007-22188-2170-013

Involved Employee

E 1

Employee #: [redacted]	Last Name: Hernandez		First Name: Armando	M.I.:
Sex: M Race: H	Rank: Deputy	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 216A	
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case # 2007-08194	Interviewed? ☒
Hrs of sleep prior to shooting: unknown	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:	
Age: [redacted] Height: 510	Weight: 200			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Berreta	Caliber: 9mm	# Shots: 5	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.

E 2

Employee #: [redacted]	Last Name: Valente		First Name: Samuel	M.I.:
Sex: M Race: H	Rank: Deputy	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 216A	
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case # 2007-08194	Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:	
Age: [redacted] Height: 600	Weight: 210			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: H& K	Caliber: 45	# Shots: 2	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.

E __

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:	
Age: Height:	Weight:			
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber # Shots
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 007-22188-2170-013

Suspect Information

S 1

Last Name: Jimenez		First Name: Jose	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 30 D.O.B. 07-11-77	Height: 511 Weight: 200	FBI #	CII # [redacted]
Booking # Deceased	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2007-08194	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S ___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S ___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S ___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH# 2208197
URN 007-22188-2170-013

DATE / TIME / LOCATIONS

Saturday, November 10, 2007
1017 hours
Intersection of 59th Street and Hooper Avenue

Deputies Samuel Valente and Armando Hernandez (Unit 216A) were traveling north on Hooper Avenue approaching 59th Street. The deputies were in a marked black and white sheriff's patrol vehicle, and both were wearing a Class A uniform.

The deputy's attention was drawn to a male (later identified as Suspect Jose Jimenez), who was riding his bicycle north on Hooper Avenue, on the east sidewalk (violation of Los Angeles County Ordinance 11149, 7033 and 6544). The deputies attempted to initiate a traffic stop by shouting out to the suspect, directing him to stop. Suspect Jimenez looked in the direction of deputies, but continued riding his bicycle, north on the east sidewalk.

The deputies, again shouted at the suspect to stop, but the suspect ignored their order and continued traveling north on Hooper Avenue. As the suspect approached 59th Street, he turned in a north east direction. Deputy Valente (driver of patrol vehicle) turned east on 59th Street, in an attempt to intercept the suspect, and prevent him from gaining distance.

The suspect dismounted his bicycle and pushed it towards the patrol vehicle, striking the right front tire area. The suspect shouted something to the effect of "fuck this" or "fuck that." The suspect then began walking backwards in a north east direction, in front of the deputy's patrol vehicle. As the suspect walked backwards he continued to face the deputies.

Both deputies remained standing behind the opened doors of their patrol vehicle. The suspect reached into his right sweatshirt pocket and retrieved a firearm. The suspect then pointed the firearm at Deputy Hernandez and fired at least one round. Fearing for his life, Deputy Hernandez fired his duty weapon at Suspect Jimenez.

IAB Note: The suspect's firearm was recovered at the scene. The firearm is a revolver "Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips. Serial Number [redacted] The suspect's firearm contained four live bullets and two expended cartridges. See Exhibit L, Page 37. One bullet strike was found on the hood of the patrol vehicle. Another bullet strike was found on the interior of the vehicle's passenger door window frame. See Exhibits C, J and L, Page 31.

Suspect Jimenez fell down to the ground, several feet in front of the deputy's patrol vehicle. While laying on the ground, the suspect raised the handgun and pointed it directly at Deputy Valente. Fearing for his life, Deputy Valente shot his firearm at Suspect Jimenez' upper chest area.

Suspect Jimenez rolled onto his back, with his arms outstretched. The suspect's handgun remained in the suspect's right hand. The deputies initiated emergency radio traffic and requested additional deputies and paramedics. Upon the arrival of assisting deputies, they approached the suspect, and utilizing their boot, gently removed the handgun out of his right hand. The paramedics pronounced Suspect Jimenez dead (at the scene) at 1037 hours.

IAB Note: Suspect Jimenez sustained several gunshot wounds during the incident. The Autopsy Report, from the Los Angeles Department of Coroner, is included in this report. See Exhibit L, Page 62.

Internal Affairs Bureau Lieutenant Don Slawson was notified, and Sergeants Larry Landreth and David Bly responded to Century Station to conduct an administrative review of the incident. Internal Affairs Bureau Sergeant Carlos Flores was assigned the shooting review on April 13, 2008. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

IAB Note: Homicide detective's case book is included in this report. See Exhibit L. Incident Reports and Supplemental Reports are also included. See Exhibits A, B and L.

IAB SHOOTING / FORCE TEAM

Lieutenant Don Slawson, Sergeant Larry Landreth, Sergeant David Bly and Sergeant Carlos Flores.

INVOLVED PERSONNEL

Valente, Samuel, Deputy #[redacted] MH/[redacted] 6-00 210 Right Handed
Century Station
Region II

Date of Employment: 06-28-91
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

Hernandez, Armando, Deputy #[redacted] MH/[redacted] 5-10 200 Right Handed
Century Station
Region II

Date of Employment: 01-05-05
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:



SUSPECTS

Jimenez, Jose MH/27 5-11 200

Suspect Jimenez has an extensive criminal history. The Consolidated Criminal History System [redacted] He is a known member of the "Florencia 13" Gang, with the moniker "Nutty Joe."

> **IAB Note:** Suspect Jimenez' Criminal History Report is included in this report. See Exhibit G.

EMPLOYEE WITNESSES

None

NON-EMPLOYEE WITNESSES

Confidential Witness

> **IAB Note:** See Homicide Case Book for information regarding the confidential witness. Exhibit L, Page 48.

INJURIES
Suspect Jimenez:

The suspect sustained several gunshot wounds, and was pronounced dead (at the scene) at 1037 hours.

> **IAB Note:** Photographs of Suspect Jimenez' injuries are included in this report. See Exhibit J. Autopsy report is also included, see Exhibit L, Page 62.

Deputy Personnel:

None.

PHYSICAL EVIDENCE

Numerous expended 9mm and .45 caliber shells were found on the south east corner of 59th Street and Hooper Avenue. Several bullet fragments were found in front of [redacted] A revolver ("Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips), was collected from the middle of 59th Street, at 24'6" north of the south curb line of 59th Street and 51'8" east of the east curb line of Hooper Avenue.

> **IAB Note:** For a complete listing of physical evidence collected at the scene, see Exhibit L, Page 29-37. See also Exhibit F.

DISTANCE

Three to five feet (Deputy Hernandez). Twenty to thirty feet (Deputy Valente).

INVESTIGATOR OBSERVATIONS

The location of the shooting was on 59th Street just east of Hooper Avenue, Los Angeles. A residential area. The 1300 block of 59th Street, east of Hooper Avenue is a two lane, two way street, with curb parking at both the north and south curbs. The structures on 59th Street are a mix of single story, single family residences, and one or two story duplexes.

On each side of the street, there are standard cement sidewalks which are separated from the curb lines by dirt/grass parkways. Within the parkways there were full grown trees spaced periodically throughout. The northeast and southeast corners of Hooper Avenue and 59th Street have wheelchair ramps formed into the sidewalk, providing sloped access into the pedestrian crosswalks. The involved deputies were positioned approximately ten to fifteen feet away from the suspect when the shooting occurred.

The time of the shooting was approximately 1017 hours. There was minimal vehicle traffic in the area, and no pedestrian traffic.

> **IAB Note:** Photographs of scene are included in this report. See Exhibits C, D and J. Area and neighborhood maps are also included. See Exhibit E.

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Investigator reviewed the radio broadcast during the incident. On the recording, a deputy (later identified as Deputy Hernandez), requests emergency clearance ("10-33"). Deputy Valente then advises they have been involved in a shooting "998," on 59th Street and Hooper Avenue. Deputy Valente also advises all deputies are accounted for, and "one suspect is down." Deputy Valente requests two units "code three," and "902R" (Fire Rescue).

Deputy Valente advises there are no outstanding suspects. He also requests additional units for crowd and traffic control.

> **IAB Note:** Recording of emergency traffic is included in this report. See Exhibit K. (Emergency broadcast begins at 8 minutes and 50 seconds of the CD recording).

LIGHTING AND WEATHER CONDITIONS

It was clear morning (1017 hours) when the incident occurred.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Valente:

Service Weapon Type:	Heckler and Kock .45, Semi-Automatic
Rounds Fired:	Two
Type of Ammunition Used:	Department Issued (Win) 45 Auto, Plus P
Date Employee Last Qualified:	[redacted]

Deputy Hernandez:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	Five
Type of Ammunition Used:	Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified:	[redacted]

WEAPONS USED BY SUSPECT

The suspect's firearm was recovered at the scene. The firearm is a revolver "Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips. Serial Number [redacted] Also collected were four, 357 Magnum, live cartridges, and two, 357 Magnum, expended cartridges.

> **IAB Note:** The suspect's firearm contained four live bullets and two expended cartridges. See Exhibit L, Page 37.

PROPERTY DAMAGE

There was no property damage found or reported at the shooting location. The deputy's vehicle was struck by gun fire.

> **IAB Note:** Photographs of the deputy's vehicle are included in this report. See Exhibit C and J.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau - Detectives Brian Schoonmaker and Kevin Lowe.

Charges: Attempted Murder on a Peace Officer, 664/187 P.C. Suspect Deceased.

INVOLVED EMPLOYEE STATEMENTS

Involved Deputy Samuel Valente was interviewed by **Homicide Bureau** detectives on November 10, 2007, at 1441 hours. Deputy Valente said he was working an A.M. shift, two person Unit (216A), and was the driver of the marked black and white patrol vehicle. His partner, Deputy Armando Hernandez, was the passenger, or the "bookman."

> **IAB Note:** At the time of the incident, Deputy Hernandez was in his second month of Patrol [redacted]

Deputy Valente stated he was traveling north on Hooper Avenue, and his attention was drawn to a male (Suspect Jimenez) who was riding a bike on the east sidewalk. Deputy Valente said the suspect was also traveling north, approaching 59th Street. Deputy Valente said he told his partner they were going to stop and contact the suspect for riding on the sidewalk. He told Deputy Hernandez to call out to the suspect and tell him to stop.

Deputy Valente said Deputy Hernandez called out to the suspect, but the suspect ignored the order and continued traveling north. As the suspect reached 59th Street, he began crossing the street in a north east direction. Deputy Valente said he turned east on 59th

Street in an attempt to intercept the suspect, and prevent him from gaining distance.

Deputy Valente said the suspect dismounted his bicycle, and pushed it towards the patrol vehicle, close to the right front tire area. Deputy Valente said he heard the suspect yell something to the effect of "fuck this" or "fuck you." He said the suspect began running backwards in a north east direction, facing the deputies. Deputy Valente said the suspect placed his right hand into his right sweatshirt pocket, and pulled out a handgun.

Deputy Valente said the suspect pointed the firearm at them, and he could see the suspect looking directly at Deputy Hernandez. Deputy Valente said he heard the suspect fire at least one round in the direction of Deputy Hernandez. He said he was in fear for his partner's life, but he was unable to shoot the suspect, because he was unsure if there were other people behind the suspect.

IAB Note: The suspect's firearm was recovered at the scene. The firearm is a revolver "Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips. Serial Number [redacted] The suspect's firearm contained four live bullets and two expended cartridges. See Exhibit L, Page 37.

Deputy Valente said he may have heard additional gunshots coming from his right side, which is where deputy Hernandez was standing. He said he also noticed the suspect reacting as if he had been struck by gunfire, and falling to the ground. Deputy Valente said the suspect fell onto his right side, and he (Suspect Jimenez) was looking directly at him (Deputy Valente). He said the suspect raised the handgun and pointed it directly at him. Deputy Valente said, fearing for his life, he fired at least one round at the suspect's upper chest area.

IAB Note: An examination of Deputy Valente's firearm indicated he had shot a total of two rounds. Two expended, .45 Caliber, casings were recovered at the scene. See Exhibit L, Page 29 and 41.

Deputy Valente said the suspect rolled onto his back, with his arm outstretched. He said he could see the suspect's handgun was on the ground, next to the suspect's right hand. Deputy Valente said he heard Deputy Hernandez broadcast emergency radio traffic. He said he took over the radio broadcast, and requested assisting units and rescue to respond to his location.

IAB Note: Recording of the emergent radio traffic is included in this report. See Exhibit K.

Deputy Valente said he and Deputy Hernandez held the suspect at gunpoint until assisting units arrived. Upon the arrival of assisting units, the deputies approached the suspect and pushed the handgun away. He said the suspect was no longer moving, and was

pronounced dead at the scene by the paramedics.

Involved Deputy Samuel Valente was interviewed at **Internal Affairs Bureau** by Sergeants Carlos Flores and David Bly, on September 23, 2008, at 1122 hours. He was represented by Green and Shinee Attorney Deborah Schild. The interview was audio-recorded.

Deputy Valente's statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives, on the day of the shooting. After his description of the incident, he answered questions relative to tactics and training.

Deputy Valente said prior to attempting to stop the suspect, he asked Deputy Hernandez if he was aware of what street he was on. They discussed the fact that they were on 59th place, and that 59th street was just north of their location.

Deputy Valente said he saw the suspect riding his bicycle on the east sidewalk of Hooper Avenue. He advised his [redacted] Deputy Hernandez, they were going to stop and talk to the suspect, regarding riding the bike on the sidewalk. Deputy Valente said he told Deputy Hernandez to call out to the suspect, and direct him to stop. He said Deputy Hernandez called out to the suspect two times, but the suspect continued riding north on the sidewalk. Deputy Valente said he was uncertain if the suspect looked in their direction after Deputy Hernandez called out to him. He said the suspect was approximately ten to twelve feet away when Deputy Hernandez was calling out to him.

Deputy Valente said he was unable to drive the patrol vehicle closer to the curb, due to several cars parked on the east side of Hooper Avenue. He said as they approached 59th Street, he told Deputy Hernandez to take his gun out of the holster. Deputy Valente said the suspect appeared to be a gang member, and he was concerned he was not stopping because he was "formulating a plan." He told Deputy Hernandez to draw his weapon for both their safety.

Deputy Valente said he turned right onto eastbound 59th Street. He said the suspect continued riding the bicycle in a north east direction. Deputy Valente said he positioned the vehicle next to the bicycle, and stopped. He said the suspect jumped off the bike and threw it down on the ground, close to the patrol vehicle's right front tire. Deputy Valente said he was not sure if the suspect had struck the vehicle when he threw the bike down. Deputy Valente said it was not his intention to "cut off" the suspect, but rather he had intended on remaining behind the suspect. He said he did not want to position his partner in the "kill zone."

Deputy Valente said he heard the suspect say something to the effect of "fuck you." He said he and Deputy Hernandez were already out of the patrol vehicle, standing next to their open vehicle doors. He said the suspect walked to the right front corner of the patrol vehicle, and retrieved a handgun from his waistband. He said the suspect was looking directly at Deputy Hernandez.

Deputy Valente said he then heard one gunshot, which he believes it was the suspect who fired his gun. He said the suspect began running in a northeast direction, but still facing him (Deputy Valente) and Deputy Hernandez. He said the suspect was still pointing his firearm in their direction.

IAB Note: The suspect's firearm was recovered at the scene. The firearm is a revolver "Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips. Serial Number [redacted] The suspect's firearm contained four live bullets and two expended cartridges. See Exhibit L, Page 37.

Deputy Valente said it appeared as though the suspect was "twitching," and it seemed as though he was being hit with something. He said the suspect fell to the ground, approximately twenty to thirty feet in front of their patrol vehicle. He said the suspect still had the handgun in his right hand.

IAB Note: Deputy Valente said he did not shoot at the suspect when he initially took out his weapon from his waistband, because he (suspect) was moving and he (Deputy Valente) was unsure of the backdrop. Deputy Valente said he did not hear the shots fired by Deputy Hernandez.

Deputy Valente said the suspect looked at him (Deputy Valente), and pointed the handgun directly at him. He said, fearing for his life, he fired two rounds at the suspect. He said the suspect rolled over on to his side, but still had the handgun in his right hand. Deputy Valente said he had a clear "field of fire" when he fired his weapon. He said he did not see any pedestrian or vehicle traffic in his backdrop, when he shot at the suspect. Deputy Valente said when he shot at the suspect, he (Deputy Valente) acquired the target (suspect) in his sights. He said he aimed at the suspect's upper chest area.

IAB Note: Deputy Valente said he thought he had only fired one round during the incident. He was later advised by investigators that he apparently fired two rounds. Evident by the shell casings found at the scene, and the examination of Deputy Valente's weapon by homicide detectives. See Exhibit L, Page 29 and 41.

Deputy Valente said Deputy Hernandez initiated emergency radio traffic, and he (Deputy Valente) took over the emergent radio broadcast. He said when additional assisting deputies arrived, they approached the suspect, and one of the deputies kicked the gun away from his (Suspect's) hand. Deputy Valente instructed Deputy Hernandez to search the suspect for additional weapons, but none were found. He said the paramedics then began to treat the suspect for his injuries.

IAB Note: During his interview, Deputy Valente was provided with a sketch of the scene. He was asked to mark his and the suspect's position when the incident occurred. See Exhibit F.

Refer to Deputy Valente's interview transcripts for further details.

IAB Note: Deputy Valente's shooting and training records are included in this report. See Exhibit I.

Involved Deputy Armando Hernandez was interviewed by **Homicide Bureau** detectives on November 10, 2007, at 1526 hours. Deputy Hernandez said he was working an A.M. shift, two person Unit (216A), and was the book man. His partner and [redacted] was Deputy Samuel Valente. They were in Class A uniform, and driving a marked black and white patrol vehicle.

Deputy Hernandez said they were traveling north on Hooper Avenue, approaching 59th Street. He said their attention was drawn to a male (later identified as Suspect Jimenez) riding a bicycle north on the east sidewalk. Deputy Hernandez said Deputy Valente told him to they were going to stop and contact the suspect. Deputy Hernandez said he shouted to the suspect stop, but the suspect continued riding, without acknowledging them.

Deputy Hernandez said he again shouted to the suspect, and the suspect turned and looked in their direction. He said the suspect began to increase the speed of his bike, as if to flee.

Deputy Hernandez said the suspect approached 59th Street and turned in an north east direction. He said Deputy Valente turned east onto 59th Street, and positioned the vehicle in front of the suspect.

Deputy Hernandez said the suspect dismounted the bicycle, and pushed it against the patrol vehicle. He said he heard the suspect say something to the effect of "fuck this" or fuck that." Deputy Hernandez said the suspect began walking backwards in a diagonal north east direction. He said the suspect walked backwards, in front of the patrol vehicle, facing the deputies.

Deputy Hernandez said the suspect reached into his waistband, with his right hand, and pulled out a black handgun. He said the suspect pointed it at him (Deputy Hernandez). Deputy Hernandez said he feared for his life, and immediately began firing his firearm at the suspect. Deputy Hernandez said he was not certain how many shots he fired, and he did not know if the suspect had shot at him.

IAB Note: An examination of Deputy Hernandez' firearm indicated he had shot a total of five rounds. Five expended, 9mm casings were recovered at the scene. See Exhibit L, Page 29 and 44.

Deputy Hernandez said as he fired his weapon at Suspect Jimenez, he (Deputy Hernandez) began a tactical retreat toward the rear of the patrol unit. He said he retreated to the rear of the patrol vehicle in order to obtain better cover and concealment. He said when he arrived to the rear of the vehicle, he observed the suspect lying on the street. He said he saw the suspect's handgun on the ground, close to the suspect's right hand.

IAB Note: The suspect's firearm was recovered at the scene. The firearm is a revolver "Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips. Serial Number [redacted] The suspect's firearm contained four live bullets and two expended cartridges. See Exhibit L, Page 37. One bullet strike was found on the hood of the patrol vehicle. Another bullet strike was found on the interior of the vehicle's passenger door window frame. See Exhibits C, J and L, Page 31. During his interview with investigators, Deputy Hernandez stated at the beginning of his shift he inspected their patrol vehicle (SD5767) for any damage, and found none. Copy of Vehicle Inspection Sheet is included in this report. See Exhibit L, Page 47.

Deputy Hernandez said he also saw Deputy Valente standing behind the patrol vehicle's driver's door. He said Deputy Valente was pointing his duty weapon at the suspect, but he was unsure if deputy Valente had actually fired his weapon. Deputy Hernandez said he began to broadcast emergency radio traffic, but Deputy Valente instructed him to cease, because he (Deputy Valente) would be broadcasting on the radio.

IAB Note: Recording of the emergent radio traffic is included in this report. See Exhibit K.

Deputy Hernandez said when assisting deputies arrived, they approached the suspect and pushed the suspect's handgun away. He said he conducted a pat down search of the suspect waistband for any additional weapons, and found none. Deputy Hernandez said the paramedics arrived and examined Suspect Jimenez. He said the paramedics pronounced the suspect dead.

Involved Deputy Armando Hernandez was interviewed at **Internal Affairs Bureau** by Sergeants Carlos Flores and David Bly, on September 23, 2008, at 1032 hours. He was represented by Green and Shinee Attorney Deborah Schild. The interview was audio-recorded.

Deputy Hernandez' statement and description of the incident during this interview was essentially the same as he provided to Homicide detectives, on the day of the shooting. After his description of the incident, he answered questions relative to tactics and training.

Deputy Hernandez said he was [redacted] working with his [redacted] Deputy Valente. Deputy Hernandez said they saw the suspect riding his bicycle

north on the east sidewalk of Hooper Avenue. He said Deputy Valente told him to call out to the suspect to stop, because they were going to contact him. Deputy Hernandez said he called out to he suspect two times, but the suspect ignored his orders and continued riding his bicycle. Deputy Hernandez said he remembers seeing the suspect look in their direction, but ignored their orders to stop.

Deputy Hernandez said Deputy Valente told him to get his gun out of his holster, and he did what he was told. He said Deputy Valente turned east onto 59th Street, and he saw the suspect continue north, riding towards the patrol vehicle. Deputy Hernandez said the suspect jumped off his bicycle, and "thrust" it towards the patrol vehicle, striking the right fender.

> **IAB Note:** Deputy Hernandez said during the [redacted] he and Deputy Valente had conducted several bicycle stops. He said this incident was the first in which a person ignored orders to stop. He said he had not discussed with Deputy Valente how to conduct this type of bicycle stop.

Deputy Hernandez said Deputy Valente had already stopped the patrol vehicle. He said he had exited the vehicle, and was standing next to the open door. Deputy Hernandez said he heard the suspect say something to the effect of "fuck you" or "fuck this." He said he then saw the suspect reach into his waistband area, and pull out a black handgun. He said the suspect began raising his hand towards him (Deputy Hernandez) with the gun in his hand. Deputy Hernandez said the suspect was approximately three to five feet away.

> **IAB Note:** The suspect's firearm was recovered at the scene. The firearm is a revolver "Dan Wesson," 357 Caliber, Model 11, black in color with wooden grips. Serial Number [redacted] The suspect's firearm contained four live bullets and two expended cartridges. See Exhibit L, Page 37.

Deputy Hernandez said, in fear for his life, he (Deputy Hernandez) shot at the suspect, several times. He said as he shot at the suspect, he (Deputy Hernandez) began a tactical retreat towards the rear of the patrol vehicle. He said he saw the suspect also walking backwards in a north east direction, but continuously facing him (Deputy Hernandez), and Deputy Valente.

Deputy Hernandez said he was uncertain how many times he fired his weapon. He said he was aware that he was in a residential area, but does not recall what the "backdrop" was when he fired. Witness Hernandez said the incident occurred so quickly, he was unable to acquire his target in his sights. He said he just pointed and shot. Deputy Hernandez said he had a clear view of the suspect when he fired. He said he believes he shot all of his rounds in a quick continuous manner.

IAB Note: An examination of Deputy Hernandez' firearm indicated he had shot a total of five rounds. Five expended, 9mm casings were recovered at the scene. See Exhibit L, Page 29 and 44.

Deputy Hernandez said he saw that the suspect fell down to the ground, in front of their patrol vehicle. He said he saw Deputy Valente pointing his firearm at the suspect, but he was not sure if he (Deputy Valente) had fired his weapon as well. He said when additional units arrived, they approached the suspect and searched him for additional weapons. Deputy Hernandez said the paramedics arrived and began treating the suspect for his injuries.

IAB Note: During his interview, Deputy Hernandez was provided with a sketch of the scene. He was asked to mark his and the suspect's position when the incident occurred. See Exhibit F.

Deputy Hernandez said after the incident he observed a bullet hole on the hood of the vehicle. He said he also saw damage to the front passenger side door frame. He said he believes he might have hit the door frame during the incident.

IAB Note: One bullet strike was found on the hood of the patrol vehicle. Another bullet strike was found on the interior of the vehicle's passenger door window frame. See Exhibits C, J and L, Page 31. During his interview with investigators, Deputy Hernandez stated at the beginning of his shift he inspected their patrol vehicle (SD5767) for any damage, and found none. Copy of Vehicle Inspection Sheet is included in this report. See Exhibit L, Page 47.

Refer to Deputy Hernandez' interview transcripts for further details.

IAB Note: Deputy Hernandez' shooting and training records are included in this report. See Exhibit I.

CIVILIAN WITNESSES

The residential neighborhood near the shooting scene, (59th Street and Hooper Avenue) was canvassed for any potential witnesses. The area was canvassed by Deputies: Gonzalo Inzunza #[redacted] Joe Gallegos #[redacted] Juan Castellanos #[redacted] Javier Martinez #[redacted] and Andrew Morrell #[redacted]

Several of the neighborhood residents stated they heard gunshots, but none (with the exception of confidential witness) actually witnessed the shootings or had any knowledge of the circumstances surrounding the incident. The names of the residents contacted, and a summary of their interviews, are included on the Supplemental Reports in the IAB case book. Supplemental reports, regarding residents contacted, were submitted by Deputies Morrel, Martinez and Inzunza.

IAB Note: Supplemental Reports are included in this report. See Exhibit L, Pages 14, 20 and 24. See also Exhibit B.

Confidential Witness

A confidential witness advised deputies at the scene that she had witnessed the incident. She was interviewed by Homicide Detectives Kevin Lowe and Jose Romero (Spanish interpreter) on November 13, 2007, at 1335 hours. Internal Affairs Sergeant David Bly and District Attorney Investigator Susan Wiggins were also present during the interview. The interview was conducted at the Homicide Bureau and was audio recorded.

IAB Note: During her interview, the witness expressed that she was very fearful. She said she knew the suspect's friends lived in her neighborhood, and were members of the "Florencia 13" Gang. The homicide investigators kept the witness' identity and address confidential. For a summary of homicide investigator's interview of this witness, see Exhibit L, Page 49. The witness' name and address will also be kept confidential in this report.

The witness said she was on Hooper Avenue, near 59th Street, when the incident occurred. She said she saw a male (Suspect Jimenez) riding a bicycle, north on Hooper Avenue, approaching 59th Street. She said she saw a marked patrol vehicle pull alongside the suspect, and she heard the deputies order the suspect to stop.

The witness said the suspect looked in the direction of the deputies, but continued traveling north. She said the deputies turned east on 59th Street, and stopped their vehicle. She said the suspect ran into the patrol vehicle with his bicycle, but did not fall down. She said the suspect began reaching into his waistband, and she believed he was going to arm himself with a weapon.

The witness said she feared a gun battle was about to occur, and she ducked down, momentarily losing sight of the suspect and the deputies. She said she heard two gunshots followed by additional gunshots that had a different tone than the first two.

The witness said when the gunfire stopped, she looked and saw the suspect laying on the street, and the deputies standing next to their patrol vehicle. She said she also saw a handgun in the suspect's right hand. The witness said the deputies remained by their vehicle until additional deputies arrived. She said she then saw the deputies approach the suspect.

The witness said she saw several "Florencia 13" gang members amongst the large crowd that gathered, after the incident occurred.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

June 16, 2008

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File No.07-0694
LASD File No.007-22188-2170-013

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 10, 2007, fatal shooting of Jose Jimenez by Los Angeles County Sheriff's Department Deputies Samuel Valente and Armando Hernandez. We have concluded that the deputies acted lawfully in self-defense and in the defense of each other.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detectives Brian Schoonmaker and Kevin Lowe on March 18, 2008. The District Attorney Command Center was notified of the shooting at approximately 11:45 a.m. on November 10, 2007. The District Attorney Response Team, comprised of Deputy District Attorney Rogelio Delgado and District Attorney Investigators [redacted] and [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene.

FACTUAL ANALYSIS

On November 10, 2007, at 10:15 a.m., LASD Deputies Samuel Valente and Armando Hernandez were traveling north on Hooper Avenue, south of 59th Street in the City of Los Angeles when they saw Jose Jimenez riding a bicycle on the sidewalk in violation of Los Angeles County Ordinance 15.76.080.

Deputy Hernandez ordered Jimenez to stop riding his bike which Jimenez ignored. Deputy Hernandez spoke louder and again ordered Jimenez to stop. Jimenez looked in the direction of the deputies and increased his speed as he rode away continuing to ignore Deputy Hernandez's lawful commands to stop.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

Deputy Valente drove the patrol car around the corner and followed Jimenez who suddenly dismounted his bike. Simultaneously, Deputy Hernandez stepped out of the car which had come to an abrupt stop in response to Jimenez's behavior. Hernandez was positioned in the wedge of the door which he used as a barrier. Jimenez threw the bike at the patrol car yelling words to the effect of "Fuck this", "Fuck that" or "Fuck you." The deputies interpreted this tone and manner as defiant, threatening and confrontational.

Jimenez continued to be uncooperative as he swore at the deputies and ran backwards in a diagonal direction in front of the patrol car. He then reached into his waistband area with his right hand, removed a black handgun, and pointed it at Deputy Hernandez who was only eight feet away. Upon seeing the gun in Jimenez's hand, Deputy Hernandez became fearful for himself and his partner, and immediately fired at Jimenez. Hernandez could not recall how many rounds he personally fired or whether Jimenez actually fired his weapon.

Deputy Valente also saw Jimenez retrieve his gun and point it at them as Jimenez looked directly at Deputy Hernandez. Valente heard Jimenez fire one round in the direction of Deputy Hernandez. Deputy Valente was in fear for his partner's life but was unable to shoot at Jimenez because he was unsure of whether there were neighborhood people positioned in the background. However, Valente did see Jimenez struck by gunfire, fall to the street on his right side. Valente then saw Jimenez lift his gun and point it directly at him. Fearing for his and his partner's life, Deputy Valente fired at least one round at Jimenez who flinched and rolled onto his back.

[redacted] saw the patrol car pull alongside of Jimenez who was on his bike. She heard the deputy yell twice for Jimenez to stop and saw Jimenez look at the deputies and accelerate his speed. [redacted] believed that Jimenez deliberately ran into the patrol car with his bike. She then saw Jimenez stumble back and reach towards his waist. She believed he was about to arm himself and ducked fearing that a gun battle was about to take place. She then heard two gunshots and believed that the suspect had just shot at the deputies. She heard additional gunfire which had a different sound than the first two gunshots and believed that the deputies were shooting at the suspect.

After the shooting, Deputy Valente immediately requested assisting units as well as a rescue unit to respond to the scene. Due to the continued threat with the handgun lying next to Jimenez, Deputies Valente and Hernandez held Jimenez at gunpoint until additional units arrived. Subsequently, one of the responding deputies placed his foot against the handgun and pushed it away from Jimenez's hand.

Paramedics arrived and pronounced Jimenez dead at the scene. An autopsy revealed that Jimenez sustained four gunshot wounds. A toxicology test indicated the presence of marijuana in Jimenez's blood.

Jimenez was a member of "Florencia 13" gang with the monikers of "Nutty Joe" and "Maniaco". Jimenez was in possession of a loaded .357 caliber revolver at the time of the shooting. Additionally, testing revealed the presence of gunshot residue particles on his hands.

Investigators noted a bullet hole in the hood of the patrol car on the passenger side which did not exist prior to the shooting. A projectile was recovered from the hood of the car with a trajectory consistent with Jimenez firing his gun directly at Deputy Hernandez. Firearms analysis revealed that this projectile was in fact fired from Jimenez's gun.

CONCLUSION

The use of deadly force in self-defense or in defense of another person is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger.
[See *California Criminal Jury Instructions ---CALCRIM 505*]

The evidence examined in this investigation shows that the actions of Jose Jimenez placed both Deputy Hernandez and Deputy Valente in actual, imminent danger of death or great bodily injury. The response of the deputies with deadly force was both reasonable and necessary. We find that Deputy Samuel Valente and Armando Hernandez acted in lawful self-defense and in defense of each other. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District attorney

By

STEPHANIE SPARAGNA
Deputy District Attorney
Justice System Integrity Unit
213-974-3888

c: Deputy Valente, Serial #[redacted]
Deputy Hernandez, Serial #[redacted]